

New Shoreham Town Council
Town Hall, Old Town Road, Block Island, RI
Wednesday, June 15, 2011
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Peter B. Baute, Kenneth C. Lacoste and Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Finance Director Amy Land. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kim Gaffett called the meeting to order at 7:00 p.m.

Warden's Report: The First Warden announced the RI Attorney General's Office will have an Open Government Summit, on Friday, August 5, 2011 at Roger Williams University. Assistant Attorney General Michael Field conducted educational sessions on the Open Meetings Act and Access to Public Records on the Island last week. The Town is proceeding with legal action against Block Island Housing, Inc. over compliance issues with the Seawinds consent decree. The 350 Committee has many events planned for the June 18 Founders Day weekend. Rocks have been moved from the beach parking to reinforce Corn Neck Road. Sewer and Water Financial Meetings will be next Monday at 4:30 and 5:00 p.m.

The Town Council recognized and publicly thanked the Town Manager for her work on the Old Harbor Dock project. The reconstruction of the bulkhead, dock, travel way and harbormaster's shack is almost complete, on time and on budget.

Public Input

Arlene Tunney commented on the progress of the Harbormasters shack and bids for the beach pavilion. Bruce Montgomery commented on the Surf corner.

1. Public Hearing: Proposed amendment to New Shoreham Zoning Ordinance: Article 5 Section 504 Sign (B) 6. Symbols

First Warden Gaffett opened the hearing at 7:10. She read the text of the proposed amendment and noted a memorandum supporting the change was received from the Planning Board. The change corrects an internal conflict in Zoning Ordinance. Planning Board Chair Margie Comings spoke in support, no comment was received from the public.

At 7:15 Ms. Gaffett closed the public hearing.

Dr. Baute moved to adopt the change to the Zoning Ordinance Article 5 Section 504 Sign (B) 6. Symbols, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

2. Receive and act on RI CRMC Meeting Notice re: Marina Expansion – Paynes New Harbor Dock, Inc. (File number 2005-08-044)

First Warden Gaffett explained a hearing on the matter has been rescheduled to June 26 at the Town's request due to a conflict with the Solicitor's schedule. The First Warden read the Town Solicitor's memorandum dated January 31, 2007. Council members offered no changes to the Town's 2007 position in opposition to the marina expansion.

3. Receive and act on request of Matt King for temporary equipment space at Old Harbor dock

Mr. King was present in the audience. He operates a charter fishing business and requested permission to park a 6 x 10 foot trailer on the dock for his fishing poles and gear. Discussion ensued. The Town Council agreed that permission may be granted for this summer only. They questioned whether any other charter fishermen would come forward with similar requests. The Town Manager and Harbormaster will create a plan for attractive and functional equipment storage at the dock, possibly using chests or lockers. The Harbors Committee will be consulted and a plan will be created in November or December.

Ms. Gaffett moved, consistent with action taken at the Council's last meeting, to grant permission for Matt King to use a 6 x 10 trailer at Old Harbor Dock, under the direction of the Town Manager and Harbormaster, as a single season temporary solution. The motion was seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

4. Act on fee schedule for Old Harbor dock accessory uses.

Town Manager Dodge recommended a fee of \$1,500 to \$1,000 to leave a storage trailer on the dock. Discussion ensued.

First Warden Gaffett moved to amend the fee schedule and adopt fee of \$1,000 for Old Harbor dock accessory use this summer. There was no second.

Dr. Baute moved to amend the fee schedule and adopt a fee of \$750 for Old Harbor dock accessory use this summer, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

5. Receive and act on Reports and Requests of the Finance Department

Monthly finance report (May 2011)

Finance Director Amy Land presented the monthly finance report (May 2011). It is on file in the Town Clerk's office.

Request to authorize over expenditures of certain appropriations, not exceeding adopted FY2011 budget

The Finance Director explained during the course of the year expenditures arise which are unplanned or greater than anticipated. To compensate for this fact, the warrant approved by the voters at FTM empowers the Council 'to authorize over expenditures of certain appropriations, which were due to circumstances that could not be anticipated in budget preparations for Fiscal Year 2011 provided that the over expenditures do not exceed the total budget amount for Fiscal Year 2011.'

The Finance Director indicated Fire/Rescue/Emergency Management over expended \$10,000 for overtime; Town Highways over expended \$42,000 to restore a full complement of staff to the department; Harbors over expended \$8,130 to maintain family benefits; and the Library over expended \$17,000 for electricity. She indicated such over expenditures could come from under expenditures in Administration/Legal/Litigation in the amount of \$30,000 due to lower litigation expenses than budgeted; from Administration/Contingency in the amount of \$20,000; from Boards and Committees/Wages/Clerk in the amount of \$5,000 because a full time clerk was replaced by a half time clerk in Land Use; and from Debt Service because a bond was issued at a lower interest rate than anticipated.

Dr. Baute moved to authorize the over expenditures as recommended by the Finance Director, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Request to designate 2011 funds for use in 2012

Dr. Baute moved to designate 2011 capital funds in the amount of \$5,000 for the planning/facility study at Town Beach, to be held for use in fiscal year 2012. The motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Request to adopt annual investment policy

First Warden Gaffett moved to authorize the Finance Director to invest funds within the structure of Bank of America and/or the Washington Trust Company during the fiscal year ending June 30, 2012. This action in no way precludes the researching of other/better investment opportunities, the recommendation of the same to Council, and the Council approving the same. The motion was seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Request to write-off uncollectible 2001 taxes

The Finance Director explained the request comes from the Tax Collector, all the debts are more than ten years old, they range from \$6.02 to \$259.11 and the 14 accounts total \$646.40. The accounts include confirmed bad addresses, deceased persons and defunct companies.

First Warden Gaffett moved to accept the recommendation of the Tax Collector to write off as uncollectible the list of 2001 accounts totaling \$259.11. The motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

6. Act on Request of Block Island Volunteer Fire Department re: F1 liquor license for July 4, 2011 fundraising steak fry

Mr. Lacoste moved to grant the request of the Block Island Volunteer Fire Department for F1 liquor license for July 4, 2011 fundraising steak fry, and to grant Town sponsorship for the event. Seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

7. Announce Board, Committee, Commission openings

First Warden Gaffett noted there is a single vacancy: an opening exists on the North Light Commission.

8. Minutes: May 24, 2011, reconsider and act on minutes Feb. 21, 2011

Mr. Lacoste moved to approve the minutes of May 24, 2011, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett noted the minutes of February 21, 2011 were approved in March, but the Town's Bond Counsel prefers the actions taken at the meeting to be documented in a specific way.

To *adopt a Resolution authorizing the issuance of "Not to Exceed \$400,000 Sewer Revenue Anticipation Notes" and authorize the finance director to proceed with the loan preparation* ~~execute the Resolution~~ but not proceed to finalize the closing until the commission meets with the Council and explains its plan for becoming cash flow neutral in three years and resolves the Management Agreement issues.

Ms. Gaffett moved to adopt the technical revision to the minutes of February 21, 2011, seconded Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

9. Correspondence: RI CRMC re: Preliminary Determination on TNS application for aquaculture permit in the Great Salt Pond (CRMC File No. 2011-04-052)

No action was needed or taken.

10. Act on proposed Town Manager personal services contract. Part of this item may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(1) for the discussion of job performance.

The Council did not enter executive session. Town Manager Dodge was present. A change was made to Section 10-B, regarding health care benefits. The Town Manager's share of the cost of health care benefits will mirror the employee's contract.

Dr. Baute moved, seconded by Mr. Torrey to authorize signature on the Town Manager's contract.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The Town Council will hold a work session on June 29, 2011; Johnson Controls will be invited to report on the results of their energy surveys of Town facilities.

At 8:30 Mr. Martin moved to adjourn, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Minutes approved July 5, 2011

Fiona Fitzpatrick
Town Clerk